IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH PAUSHA 1928

WP(C).No. 351 of 2007(P)

PETITIONER:

HAJAMUHIYYADEEN E.,
KARUPARAMBIL HOUSE,
ATHIKKATTUKULANGARA, ALAPPUZHA.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS:

1. THE SECRETARY,
   REGIONAL TRANSPORT AUTHORITY,
   (REGIONAL TRANSPORT OFFICER),
   ALAPPUZHA.

2. THE SECRETARY,
   REGIONAL TRANSPORT AUTHORITY,
   PATHANAMTHITTA.

BY GOVT.PLEADER SRI M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C).NO.351 OF 2007

Dated this the 3rd day of January, 2007

JUDGMENT

The limited prayer made in this writ petition is for a direction to the lst respondent not to insist for any succession certificate/legal heirship certificate for the purpose of transferring the ownership of the vehicle and the permit in favour of the petitioner. It is the contention of the petitioner that his father died on 25/5/2006 and that he is the sole son and the remaining heirs (mother and 4 sisters) have no objection in transferring the ownership and permit in favour of the petitioner and for that purpose Ext.P3 consent letter attested by the Notary Public was produced. But the respondents are insisting for legal heirship certificate. It is

the contention of the petitioner that in the light of the decisions of this Court in Exts.P7 and P8, the respondents cannot insist for any such certificate and what is required to be proved is only the manner of possession by the petitioner.

2. Heard the learned Government Pleader appearing on behalf of the State.

3. In the facts and circumstances of the case and in the light of Exts.P7 and P8 judgments, there is no justification to insist for a legal heirship certificate. Hence the lst respondent is directed to consider Ext.P4 application submitted by the petitioner and dispose of the same in accordance with law without insisting for any legal heirship certificate/succession certificate, if the application is otherwise in order.

Writ Petition is disposed of as above.

Petitioner shall produce a copy of this judgment along with a copy of this writ petition before the lst respondent for information and compliance.

P.R.RAMAN,
JUDGE.

kcv.